

**Executive Summary – Enforcement Matter – Case No. 50600**

**City of Kemp**

**RN102218435**

**Docket No. 2015-0800-MWD-E**

**Order Type:**

Findings

**Findings Order Justification:**

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Kemp WWTF, 1298 Tolosa, approximately 0.8 mile west-southwest of the intersection of State Route 274 and U.S. Route 175, approximately 1.5 miles southwest of Kemp, Kaufman County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: No

**Texas Register Publication Date:** August 28, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,625

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$8,625

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major or Minor Source:** Minor

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50600**  
**City of Kemp**  
**RN102218435**  
**Docket No. 2015-0800-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 12, 2015

**Date(s) of NOE(s):** May 12, 2015

***Violation Information***

1. Failed to comply with permitted effluent limitations for total suspended solids, ammonia nitrogen, chlorine residual, and 5-day biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010695001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].
2. Failed to timely submit discharge monitoring reports ("DMRs") at the intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17), and 319.7(d) and TPDES Permit No. WQ0010695001, Monitoring and Reporting Requirements No. 1].
3. Failed to timely submit the annual sludge monitoring report for the period ending July 31, 2014 [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0010695001, Sludge Provisions].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By March 25, 2015, submitted the annual sludge report for the monitoring period ending July 31, 2014;
- b. By April 15, 2015, submitted the DMRs for the monitoring periods ending April 30, 2014 and June 30, 2014.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of DMRs and annual sludge reports;
- b. Within 45 days, submit written certification of compliance with a; and
- c. Within 90 days, submit written certification of compliance with the permitted effluent

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**City of Kemp**

**RN102218435**

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limitations of TPDES Permit No. WQ0010695001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** James Boyle, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2527; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** The Honorable Laura Hanna Peace, Mayor, City of Kemp, P.O. Box 449, Kemp, Texas 75143

Regina Kiser, City Administrator, City of Kemp, P.O. Box 449, Kemp, Texas 75143

**Respondent's Attorney:** N/A





## Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	28-May-2015	Screening	22-May-2015	EPA Due	
	PCW	1-Jun-2015				

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Kemp		
Reg. Ent. Ref. No.	RN102218435		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	50600	No. of Violations	3
Docket No.	2015-0800-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	James Boyle
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$5,750**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **50.0%** Enhancement **Subtotals 2, 3, & 7** **\$2,875**

Notes: Enhancement for five months of self-reported effluent violations, one NOV with same/similar violation and one Agreed Order with denial of liability.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts **\$1,065**  
Estimated Cost of Compliance **\$10,350**

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$8,625**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$8,625**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$8,625**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$8,625**

Screening Date 22-May-2015

Docket No. 2015-0800-MWD-E

PCW

Respondent City of Kemp

Policy Revision 4 (April 2014)

Case ID No. 50600

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102218435

Media [Statute] Water Quality

Enf. Coordinator James Boyle

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for five months of self-reported effluent violations, one NOV with same/similar violation and one Agreed Order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 50%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 50%

Screening Date 22-May-2015

Docket No. 2015-0800-MWD-E

PCW

Respondent City of Kemp

Policy Revision 4 (April 2014)

Case ID No. 50600

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102218435

Media [Statute] Water Quality

Enf. Coordinator James Boyle

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010695001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on March 12, 2015, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia-nitrogen and biochemical oxygen demand (5-day) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total chlorine residual and total suspended solids were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 4

153 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Four quarterly events are recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,049

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

# Economic Benefit Worksheet

**Respondent** City of Kemp

**Case ID No.** 50600

**Reg. Ent. Reference No.** RN102218435

**Media** Water Quality

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2014	5-May-2016	2.10	\$1,049	n/a	\$1,049

**Notes for DELAYED costs**

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance and the final date is the anticipated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$1,049



Screening Date 22-May-2015

Docket No. 2015-0800-MWD-E

PCW

Respondent City of Kemp

Policy Revision 4 (April 2014)

Case ID No. 50600

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102218435

Media [Statute] Water Quality

Enf. Coordinator James Boyle

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 305.125(17), and 319.7(d); and TPDES Permit No. WQ0010695001, Monitoring and Reporting Requirements No. 1

## Violation Description

Failed to timely submit discharge monitoring reports ("DMRs") at the intervals specified in the permit, as documented during a record review conducted on March 12, 2015. Specifically, the monthly DMRs for the monitoring periods ending April 30, 2014 and June 30, 2014, were not submitted by the 20th day of the following month.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

At least 70% of the rule requirements were met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 2

330 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

Two single events are recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

# Economic Benefit Worksheet

**Respondent** City of Kemp  
**Case ID No.** 50600  
**Reg. Ent. Reference No.** RN102218435  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	12-Mar-2015	6-Mar-2016	0.99	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-May-2014	15-Apr-2015	0.90	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all reporting requirements are properly accomplished, including the timely submittal of DMRs and the annual sludge report. Date required is the date of the record review. The final date is the anticipated date of compliance. Estimated cost to submit the delinquent DMRs (\$25 per DMR). Date required is the date that the first delinquent DMR was due. The final date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$15

Screening Date 22-May-2015

Docket No. 2015-0800-MWD-E

PCW

Respondent City of Kemp

Policy Revision 4 (April 2014)

Case ID No. 50600

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102218435

Media [Statute] Water Quality

Enf. Coordinator James Boyle

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and 305.125(17); and TPDES Permit No. WQ0010695001, Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2014, as documented during a record review conducted March 12, 2015. Specifically, the Respondent failed to submit the annual sludge report by September 30, 2014.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

30% of the rule requirements were not met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 1

176

Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV		NOE/NOV to EDP RP/Settlement Offer	
	Extraordinary		Ordinary	
N/A	X			(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$375

This violation Final Assessed Penalty (adjusted for limits) \$375

## Economic Benefit Worksheet

**Respondent** City of Kemp  
**Case ID No.** 50600  
**Reg. Ent. Reference No.** RN102218435  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	30-Sep-2014	25-Mar-2015	0.48	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to submit the annual sludge report. Date required is the date the annual sludge report was due and the final date is the date the report was submitted. The estimated cost to update operational guidance and conduct employee training is included in the economic benefit for Violation No. 2.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$1

**City of Kemp**  
**Docket No. 2015-0800-MWD-E**  
**TPDES Permit No. WQ0010695001**

**Effluent Parameter Violation Table**

<b>Months</b>	<b>BOD<sub>5</sub></b>	<b>Chlorine Residual</b>	<b>Ammonia Nitrogen</b>	<b>TSS</b>
	Daily Avg. Conc.	Daily Max Conc.	Daily Avg. Conc.	Daily Avg. Conc.
	Limit = 5 mg/L	Limit = 4 mg/L	Limit = 2 mg/L	Limit = 5 mg/L
March 2014	9.9	c	3.86	5.9
August 2014	c	c	c	7.4
September 2014	5.5	c	c	c
November 2014	5.4	c	c	7
December 2014	c	5.1	c	5.1

c = compliant  
mg/L = milligrams per liter  
BOD<sub>5</sub> = biochemical oxygen demand (5-day)  
TSS = total suspended solids

Max = maximum  
Avg. = average  
Conc. = concentration



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600681027, RN102218435, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600681027, City of Kemp

**Classification:** SATISFACTORY

**Rating:** 18.90

**Regulated Entity:** RN102218435, CITY OF KEMP

**Classification:** SATISFACTORY

**Rating:** 18.90

**Complexity Points:** 5

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 1298 Tolosa, approximately 0.8 mile west-southwest of the intersection of State Route 274 and United States Route 175, approximately 1.5 miles southwest of Kemp in Kaufman County, Texas 75142

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**WASTEWATER PERMIT** WQ0010695001

**WASTEWATER EPA ID** TX0023396

**Compliance History Period:** September 01, 2009 to August 31, 2014

**Rating Year:** 2014

**Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** May 20, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 20, 2010 to May 20, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** James Boyle

**Phone:** (512) 239-2527

### Site and Owner/Operator History:

- |                                                                                                    |     |
|----------------------------------------------------------------------------------------------------|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If <b>YES</b> for #2, who is the current owner/operator?                                        | N/A |
| 4) If <b>YES</b> for #2, who was/were the prior owner(s)/operator(s)?                              | N/A |
| 5) If <b>YES</b> , when did the change(s) in owner or operator occur?                              | N/A |

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- |   |                                                                                                                                            |                                                                  |
|---|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 1 | Effective Date: 02/14/2014                                                                                                                 | ADMINORDER 2013-1041-MWD-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate                                                                                                                   |                                                                  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)                                                                                        |                                                                  |
|   | 30 TAC Chapter 305, SubChapter F 305.125(1)                                                                                                |                                                                  |
|   | Rqmt Prov: Effluent Limits PERMIT                                                                                                          |                                                                  |
|   | Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.                    |                                                                  |
|   | Classification: Moderate                                                                                                                   |                                                                  |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)                                                                                     |                                                                  |
|   | Rqmt Prov: Effluent Reporting Requirements PERMIT                                                                                          |                                                                  |
|   | Description: Failure to submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review. |                                                                  |
|   | Classification: Moderate                                                                                                                   |                                                                  |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)                                                                                     |                                                                  |
|   | Rqmt Prov: Sludge Reporting Requirements PERMIT                                                                                            |                                                                  |
|   | Description: Failure to submit sludge monitoring results at the intervals specified in the permit as documented by a TCEQ record review.   |                                                                  |

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	June 16, 2010	(846460)
Item 2	July 15, 2010	(861028)
Item 3	August 19, 2010	(867055)
Item 4	September 08, 2010	(874102)
Item 5	October 21, 2010	(881715)
Item 6	November 22, 2010	(888223)
Item 7	December 16, 2010	(896476)
Item 8	January 10, 2011	(902511)
Item 9	February 21, 2011	(909290)
Item 10	April 20, 2011	(925398)
Item 11	May 26, 2011	(938232)
Item 12	July 25, 2011	(952850)
Item 13	August 17, 2011	(959516)
Item 14	September 14, 2011	(965551)
Item 15	October 11, 2011	(971591)
Item 16	November 15, 2011	(977757)
Item 17	December 21, 2011	(984523)
Item 18	January 17, 2012	(990811)
Item 19	April 19, 2012	(1010269)
Item 20	June 19, 2012	(1024395)
Item 21	August 01, 2012	(1031776)
Item 22	October 18, 2012	(1046896)
Item 23	November 12, 2012	(1061738)
Item 24	February 20, 2013	(1079416)
Item 25	March 20, 2013	(1089521)
Item 26	April 30, 2013	(1089522)
Item 27	July 09, 2013	(1110509)
Item 28	July 17, 2013	(1117398)
Item 29	August 29, 2013	(1125162)
Item 30	October 03, 2013	(1129754)
Item 31	October 16, 2013	(1135493)
Item 32	January 21, 2014	(1147353)
Item 33	June 19, 2014	(1187620)
Item 34	August 27, 2014	(1198911)
Item 35	November 25, 2014	(1218678)
Item 36	February 18, 2015	(1242491)
Item 37	April 15, 2015	(1248833)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	08/31/2014 (1206014)	CN600681027
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
2	Date:	09/30/2014 (1212429)	CN600681027
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	



3	Date: 11/30/2014 (1224458)	CN600681027	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 12/31/2014 (1231048)	CN600681027	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 02/28/2015 (1248832)	CN600681027	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 05/12/2015 (1240078)	CN600681027	
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 317 317.4(a)(8)		
	Description: Failure to test the reduced-pressure principal backflow prevention assembly (RPBA) annually.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)		
	Description: Failure to properly operate and/or maintain the facility.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)		
	Description: Failure to provide notification of any noncompliance which may endanger human health or safety, or the environment.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Permit WQ0010695-01 PERMIT		
	Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Permit WQ0010695-001 PERMIT		
	Description: Failure to submit the annual sludge report.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Permit WQ0010695-001 PERMIT		
	Description: Failure to provide monitoring results at the intervals specified in the permit.		

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

### All NOV's Issued During Component Period 5/20/2010 and 5/20/2015

1	Date:	07/30/2010	(842669)	CN600681027	Classification:	Moderate						
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ10695-001 PERMIT										
	Description:	Failure to have the standby generator connected in such a way to prevent the discharge of untreated wastewater during a power outage.										
				Classification:	Minor							
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)										
	Description:	Failure to submit the annual sludge report and DMR for the period ending July 31, 2009.										
				Classification:	Moderate							
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)										
	Description:	Failure to comply with effluent permit limits for CBOD5, TSS, and NH3N.										
				Classification:	Minor							
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ10695-001 PERMIT										
	Description:	Failure to submit effluent noncompliance reports for effluent results that exceeded the permit limit by greater than 40% in January 2010 to the Enforcement Division and the DFW Region Office.										
				Classification:	Minor							
	Self Report?	NO	For Informational Purposes Only									
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) WQ10695-001 PERMIT										
	Description:	Failure to adequately secure the Pearl Street lift station.										
2	Date:	02/28/2011	(971590)	CN600681027	Classification:	Moderate						
	Self Report?	YES	For Informational Purposes Only									
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)										
	Description:	Failure to meet the limit for one or more permit parameter										
3	Date:	05/31/2011	(945607)	CN600681027	Classification:	Moderate						
	Self Report?	YES	For Informational Purposes Only									
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)										
	Description:	Failure to meet the limit for one or more permit parameter										
4	Date:	01/31/2012	(998182)	CN600681027	Classification:	Moderate						
	Self Report?	YES	For Informational Purposes Only									
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)										
	Description:	Failure to meet the limit for one or more permit parameter										
5	Date:	02/29/2012	(1003702)	CN600681027	Classification:	Moderate						
	Self Report?	YES	For Informational Purposes Only									
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)										
	Description:	Failure to meet the limit for one or more permit parameter										

- 6 Date: 04/30/2012 (1016659) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 07/05/2012 (1013262) CN600681027  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 217, SubChapter C 217.63(b)  
30 TAC Chapter 217, SubChapter C 217.63(c)  
Description: Failure to install an audiovisual alarm system at the lift stations. At the time of the investigation, the Harvey Gas Station and Elm St. Lift Stations contained no audible alarm. Installed visual alarm at Elm St. was invisible to the general public.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 217, SubChapter C 217.61  
30 TAC Chapter 317 317.3(c)  
Description: Failure to have two functioning pumps installed as required.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 217, SubChapter C 217.60(d)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(A)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(B)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(C)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(D)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(E)  
Description: Failure to install a passive ventilation system in accordance with lift station design criteria.
- 8 Date: 07/31/2012 (1046895) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 10/31/2012 (1061739) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 10 Date: 01/22/2013 (1054172) CN600681027  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 319, SubChapter C 319.302(c)  
Description: Failure to provide the required public notification of a spill or accidental discharge of untreated domestic wastewater in a timely manner.
- 11 Date: 01/31/2013 (1079415) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

12 Date: 03/31/2013 (1095909) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

13 Date: 04/30/2013 (1106845) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

14\* Date: 10/31/2013 (1140882) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

15\* Date: 11/22/2013 (1123389) CN600681027  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 217, SubChapter C 217.63(b)  
30 TAC Chapter 217, SubChapter C 217.63(c)  
Description: Failure to install an audiovisual alarm system at the lift stations. At the time of the investigation, the Harvey Gas Station and Elm St. Lift Stations contained no audible alarm. Installed visual alarm at Elm St. was invisible to the general public.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 217, SubChapter C 217.61  
30 TAC Chapter 317 317.3(c)  
Description: Failure to have two functioning pumps installed as required.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 217, SubChapter C 217.60(d)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(A)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(B)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(C)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(D)  
30 TAC Chapter 217, SubChapter C 217.60(d)(1)(E)  
Description: Failure to install a passive ventilation system in accordance with lift station design criteria.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)  
30 TAC Chapter 305, SubChapter F 305.125(11)(C)  
WQ0010695-001 PERMIT  
Description: Failure to submit the annual sludge report in a timely manner. The permittee submitted the annual sludge report on October 18, 2013. The report must be submitted by September 30th.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
WQ0010695-001 PERMIT  
Description: Failure to properly operate and/or maintain the facility. During the investigation, the backup aerator was taken offline due to bearing issues and has been offline for at least six months. The aerator must be restored within a reasonable time.  
Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0010695-001 PERMIT  
Description: Failure to comply with effluent permit limits for TSS, BOD, NH3N, and Total Residual Chlorine (TRC). A review of the monthly DMR revealed that the permittee reported a daily average TSS of 9.2 mg/L for January 2013; TSS of 7.9 mg/L for April 2013; TRC of 4.2 mg/L, TSS of 7.0 mg/L, BOD of 17.7 mg/L, and NH3N of 6.0 mg/L for October 2012.

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to provide notification of TSS violation which deviates from the permitted effluent limitation by more than 40%. During the record review, TSS violation for April 2013 was not reported. The TCEQ must be notified of self-reported effluent limits violation which deviates from the permitted effluent limitation by more than 40%.

16\* Date: 12/31/2013 (1153410) CN600681027  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

17\* Date: 01/31/2014 (1160748) CN600681027  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

18\* Date: 02/28/2014 (1248831) CN600681027  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

19\* Date: 03/31/2014 (1174522) CN600681027  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

20\* Date: 08/31/2014 (1206014) CN600681027  
Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

21 Date: 09/30/2014 (1212429) CN600681027

Classification: Moderate

Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

22 Date: 11/30/2014 (1224458) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

23 Date: 12/31/2014 (1231048) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

24 Date: 02/28/2015 (1248832) CN600681027  
Classification: Moderate  
Self Report? YES For Informational Purposes Only  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

25 Date: 05/12/2015 (1240078) CN600681027  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 317 317.4(a)(8)  
Description: Failure to test the reduced-pressure principal backflow prevention assembly (RPBA) annually.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
Description: Failure to properly operate and/or maintain the facility.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)  
Description: Failure to provide notification of any noncompliance which may endanger human health or safety, or the environment.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Permit WQ0010695-01 PERMIT  
Description: Failure to provide notification of any effluent violation which deviates from the permitted effluent limitation by more than 40%.  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Permit WQ0010695-001 PERMIT  
Description: Failure to submit the annual sludge report.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Permit WQ0010695-001 PERMIT  
Description: Failure to provide monitoring results at the intervals specified in the permit.

\* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

**Appendix B****All Investigations Conducted During Component Period May 20, 2010 and May 20, 2015**

Item 1*	June 16, 2010**	(846460) For Informational Purposes Only
Item 2*	July 15, 2010**	(861028) For Informational Purposes Only
Item 3	July 30, 2010**	(842669) For Informational Purposes Only
Item 4	August 03, 2010**	(843718) For Informational Purposes Only
Item 5*	August 19, 2010**	(867055) For Informational Purposes Only
Item 6*	September 08, 2010**	(874102) For Informational Purposes Only
Item 7*	October 21, 2010**	(881715) For Informational Purposes Only
Item 8*	November 22, 2010**	(888223) For Informational Purposes Only
Item 9*	December 16, 2010**	(896476) For Informational Purposes Only
Item 10*	January 10, 2011**	(902511) For Informational Purposes Only
Item 11	January 27, 2011**	(893468) For Informational Purposes Only
Item 12*	February 21, 2011**	(909290) For Informational Purposes Only
Item 13*	April 20, 2011**	(925398) For Informational Purposes Only
Item 14*	May 26, 2011**	(938232) For Informational Purposes Only
Item 15	June 20, 2011**	(945607) For Informational Purposes Only
Item 16*	July 25, 2011**	(952850) For Informational Purposes Only
Item 17*	August 17, 2011**	(959516) For Informational Purposes Only
Item 18*	September 14, 2011**	(965551) For Informational Purposes Only
Item 19*	October 11, 2011**	(971591) For Informational Purposes Only
Item 20*	November 15, 2011**	(977757) For Informational Purposes Only
		(971590)

Item 21	November 21, 2011**	For Informational Purposes Only (984523)
Item 22*	December 21, 2011**	For Informational Purposes Only (990811)
Item 23*	January 17, 2012**	For Informational Purposes Only (998182)
Item 24	February 17, 2012**	For Informational Purposes Only (1003702)
Item 25	March 14, 2012**	For Informational Purposes Only (1010269)
Item 26*	April 19, 2012**	For Informational Purposes Only (1016659)
Item 27	May 16, 2012**	For Informational Purposes Only (1024395)
Item 28*	June 19, 2012**	For Informational Purposes Only (1013262)
Item 29	July 03, 2012**	For Informational Purposes Only (1031776)
Item 30*	August 01, 2012**	For Informational Purposes Only (1046895)
Item 31	August 21, 2012**	For Informational Purposes Only (1046896)
Item 32*	October 18, 2012**	For Informational Purposes Only (1061738)
Item 33*	November 12, 2012**	For Informational Purposes Only (1061739)
Item 34	December 13, 2012**	For Informational Purposes Only (1054172)
Item 35	January 18, 2013**	For Informational Purposes Only (1079415)
Item 36	February 20, 2013**	For Informational Purposes Only (1089521)
Item 37*	March 20, 2013**	For Informational Purposes Only (1095909)
Item 38	April 21, 2013**	For Informational Purposes Only (1085082)
Item 39	April 22, 2013**	For Informational Purposes Only (1089522)
Item 40*	April 30, 2013**	For Informational Purposes Only (1106845)
Item 41	May 16, 2013**	For Informational Purposes Only (1110509)



Item 42*	July 09, 2013**	For Informational Purposes Only (1117398)
Item 43*	July 17, 2013**	For Informational Purposes Only (1125162)
Item 44*	August 29, 2013**	For Informational Purposes Only (1129754)
Item 45*	October 03, 2013**	For Informational Purposes Only (1135493)
Item 46*	October 16, 2013**	For Informational Purposes Only (1140882)
Item 47	November 19, 2013**	For Informational Purposes Only (1123389)
Item 48	November 22, 2013**	For Informational Purposes Only (1147353)
Item 49*	January 21, 2014**	For Informational Purposes Only (1160748)
Item 50	February 25, 2014**	For Informational Purposes Only (1159316)
Item 51	April 15, 2014**	For Informational Purposes Only (1174522)
Item 52	April 17, 2014**	For Informational Purposes Only (1187620)
Item 53*	June 19, 2014**	For Informational Purposes Only (1198911)
Item 54*	August 27, 2014**	For Informational Purposes Only (1206014)
Item 55	September 26, 2014	For Informational Purposes Only (1212429)
Item 56	October 23, 2014	For Informational Purposes Only (1218678)
Item 57*	November 25, 2014	For Informational Purposes Only (1224458)
Item 58	December 23, 2014	For Informational Purposes Only (1231048)
Item 59	January 26, 2015	For Informational Purposes Only (1223307)
Item 60	February 05, 2015	For Informational Purposes Only (1242491)
Item 61*	February 18, 2015	For Informational Purposes Only (1248832)
Item 62	March 20, 2015	For Informational Purposes Only (1248833)
Item 63*	April 15, 2015	For Informational Purposes Only

(1248831)

Item 64      April 16, 2015      For Informational Purposes Only

(1240078)

Item 65      May 11, 2015      For Informational Purposes Only

(1239084)

Item 66      May 14, 2015      For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF KEMP  
RN102218435**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0800-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Kemp ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located at 1298 Tolosa, approximately 0.8 mile west-southwest of the intersection of State Route 274

and United States Route 175, approximately 1.5 miles southwest of Kemp in Kaufman County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on March 12, 2015, TCEQ staff documented the following effluent quality violations:

<b>Effluent Parameter Violation Table</b>				
	<b>BOD<sub>5</sub></b>	<b>Chlorine Residual</b>	<b>Ammonia Nitrogen</b>	<b>TSS</b>
	Daily Avg. Conc.	Daily Max Conc.	Daily Avg. Conc.	Daily Avg. Conc.
<b>Months</b>	Limit = 5 mg/L	Limit = 4 mg/L	Limit = 2 mg/L	Limit = 5 mg/L
March 2014	9.9	c	3.86	5.9
August 2014	c	c	c	7.4
September 2014	5.5	c	c	c
November 2014	5.4	c	c	7
December 2014	c	5.1	c	5.1

c = compliant  
mg/L = milligrams per liter  
BOD<sub>5</sub> = biochemical oxygen demand (5-day)  
TSS = total suspended solids

Max = maximum  
Avg. = average  
Conc. = concentration

4. During a record review conducted on March 12, 2015, TCEQ staff documented that the Respondent did not timely submit discharge monitoring reports ("DMRs") at the intervals specified in the permit. Specifically, the monthly DMRs for the monitoring periods ending April 30, 2014 and June 30, 2014 were not submitted by the 20<sup>th</sup> day of the following month.
5. During a record review conducted on March 12, 2015, TCEQ staff documented that the Respondent did not timely submit the annual sludge report at the interval specified in the permit. Specifically, the annual sludge report for the period ending July 31, 2014 was not submitted by September 30, 2014.
6. The Respondent received notice of the violations on May 17, 2015.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. By March 25, 2015, submitted the annual sludge report for the monitoring period ending July 31, 2014; and
- b. By April 15, 2015, submitted the DMRs for the monitoring periods ending April 30, 2014 and June 30, 2014.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010695001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit DMRs at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17), and 319.7(d); and TPDES Permit No. WQ0010695001, Monitoring and Reporting Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to timely submit the annual sludge monitoring report for the period ending July 31, 2014, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17); and TPDES Permit No. WQ0010695001, Sludge Provisions.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Eight Thousand Six Hundred Twenty-Five Dollar (\$8,625) administrative penalty.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Eight Thousand Six Hundred Twenty-Five Dollars (\$8,625) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in

this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Kemp, Docket No. 2015-0800-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order the Respondent shall update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of DMRs and annual sludge reports, in accordance with TPDES Permit No. WQ0010695001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.c below.
  - c. Within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010695001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

  
For the Executive Director

10/30/15  
Date

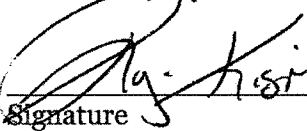
I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Kemp. I am authorized to agree to the attached Agreed Order on behalf of City of Kemp, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, City of Kemp waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

9/29/15  
Date

Regina Kiser  
Name (Printed or typed)  
Authorized Representative of  
City of Kemp

City Administrator  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.